



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: June 28, 2017
MAHS Docket No.: 17-006751
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Denise McNulty

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on June 22, 2017, from Lansing, Michigan. The Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED] Family Independence Manager and [REDACTED] Eligibility Specialist.

ISSUE

Did the Department properly determine Petitioner's eligibility for Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner was an ongoing recipient of FAP benefits.
2. The Department provided Petitioner a Time-Limited Food Assistance Third Countable Month notice on April 17, 2017, notifying Petitioner that unless she met the Time Limited Food Assistance (TLFA) participation requirements during the month that her food assistance benefits would close. [Exhibit A, p. 5.]
3. In April 2017, Petitioner met with the eligibility specialist regarding TLFA and the participation requirements. It was determined that Petitioner had good cause for not meeting the participation requirements for April and May. [Exhibit A, p. 8.]

4. On May 30, 2017, the Department received Petitioner's request for hearing disputing the Department's actions concerning her FAP benefits.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

In this case, the Department notified Petitioner that her FAP case would close because she failed to meet the work requirements to receive benefits. Effective January 1, 2017, all individuals aged 18-49, without good cause or a deferral, living in █████ County, must meet specific work requirements to receive FAP benefits. BEM 620 (January 2017), p. 1. Petitioner is a resident of █████ County. [Exhibit A, p. 2.] The Department notified Petitioner each month of her need to document completion of specific work requirements. Petitioner did not provide the Department with any documentation that she had complied with the requirements of the TLFA policy. Each month in which an individual does not meet the specific work requirements, without a deferral or a showing of good cause, that month becomes a countable month under the policy. BEM 620 (January 2017), p. 5. Failure to meet the work requirements for three countable months within a 36-month period limits eligibility for benefits to three months. In 2017, Petitioner received benefits for at least a three month time period prior to the date of hearing.

Prior to the hearing the Department determined that Petitioner had good cause for not meeting the participation requirements of TLFA for the months of April and May. Petitioner still questioned the Department's stance regarding March 2017 about whether she met the participation requirements of TLFA.

Unless deferred, an individual must perform one of the following: (i) work at least 80 hours monthly (20 hours/week on average); or (ii) participate 80 hours monthly in an employment and training program through Michigan Works Agency! (MWA); or (iii) participate in self-initiated community services activities. The number of volunteer service hours worked each month must equal the food assistance benefit amount divided by state minimum wage. BEM 620 (January 2017), pp. 2-3. Each month an individual fails to meet one of the enumerated requirements is deemed a countable month. BEM 620 (January 2017), p. 5. An individual can receive a deferral if determined to be medically certified as physically or mentally unfit for employment. BEM 620 (January 2017), p. 2. Petitioner sought Social Security Disability benefits and was

denied. She did not provide the Department with any medical documentation to establish she had a certified physical disability that made her unfit for employment.

Because Petitioner lives in a county in which the TLFA policy is in effect and applicable to her circumstances, and she has failed to meet the specific work requirements for March 2017, without a deferral or a showing of good cause, the Department acted properly when it determined that March 2017 was a countable month in regards to Petitioner's FAP benefits.

DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it determined March 2017 was a countable month against Petitioner's FAP benefits case.

Accordingly, the Department's decision is **AFFIRMED**.



DM/nr

Denise McNulty
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; Attention: MAHS Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]